

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division**

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO.: 4:23CR54
)	
STEPFON LAMOUNT BUMPHUS)	

**DEFENDANT’S MEMORANDUM IN SUPPORT OF SECOND MOTION
TO MODIFY CONDITIONS OF RELEASE**

COMES NOW the Defendant, STEPFON LAMOUNT BUMPHUS, by counsel, and in support of his Second Motion to Modify Condition of Release sets forth as follows:

BACKGROUND

On September 11, 2023, Stepfon Lamount Bumphus (“Mr. Bumphus”) was indicted in Case Number 4:23-cr-00054. ECF Doc. 10. On September 19, 2023, United States Magistrate Judge Lawrence R. Leonard granted Mr. Bumphus an unsecured bond of \$2,500. ECF Doc. 199. Mr. Bumphus was also subject to a number of conditions of release, including home detention and electronic monitoring. ECF Doc. 214. He was also required to actively seek employment.

Mr. Bumphus has successfully complied with all terms set forth by the Court and the probation office. Further, he has actually found not one but two jobs. He primarily works for a specialty trade contractor on Monday to Friday from the hours of 6 AM to 3 PM. On Saturday and Sunday, he works at a restaurant from the hours of 11 AM to 7 PM. Mr. Bumphus is asking the Court to grant him a curfew so that he is able to remain out of his home after his workday ends until 10 PM. The Court denied Mr. Bumphus’ original request for a modification. ECF Doc. 369. The Court stated that the request did not specifically articulate why a modification of Mr. Bumphus’ conditions would allow him to spend time with his two minor children. The

Court further advised that the request did not advise as to the position of Defendant's supervising Probation Officer. However, the Court's denial was without prejudice to Mr. Bumphus' ability to file a motion which more specifically outlined the necessity for the requested modification.

LEGAL STANDARD

Pursuant to 18 U.S.C. §3142(c)(1)(B), the Court may impose the least restrictive conditions only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

ARGUMENT

Mr. Bumphus is seeking this relief primarily so that he can spend time with his two sons. His younger son, Kazi, is a toddler and lives approximately 20 minutes away from Mr. Bumphus. Kazi's mother, Shantelle Everette, works from Monday to Friday, and Kazi is in a daycare facility until she can pick him up from work in the late afternoon or early evening. Mr. Bumphus leaves his job at 3 PM each day and he would like to pick Kazi up from daycare so that he can spend time with him. Further, he would like an opportunity to be with Kazi during the evening and help Ms. Everette to the best of his ability with raising him.

Mr. Bumphus' older son, Jay'ryin, is 15 years old and lives fairly close to Mr. Bumphus, and accordingly the two of them are able to spend time together at Mr. Bumphus' mother's home. However, Mr. Bumphus cannot attend any of Jay'ryin's extracurricular activities while under his current conditions of bond. For example, Jay'rvin is an accomplished trumpet player and Mr. Bumphus is unable to attend any of his performances, whether they be solo or as part of his school's band.

As the conditions currently stand, Mr. Bumphus cannot spend any time with his sons outside of his residence. As a result, he cannot take his children out for dinner or even a haircut.

Accordingly, Mr. Bumpus is seeking a curfew which would allow him the ability to spend time with his children and is flexible enough to so that he could spend time during the evenings outside of his home with his sons.

While out on bond, Mr. Bumpus is being supervised by Senior United States Probation Officer Brett R. Riley. Mr. Riley has represented to the undersigned that he has no objection to this motion; he has advised specifically that Mr. Bumpus is doing well under supervision as he is working two jobs and refraining from the use of illegal drugs. Mr. Riley has not indicated that Mr. Bumpus has missed any appointments while under pre-trial supervision.

If Mr. Bumpus is granted a curfew, he will remain on electronic monitoring and thus any risk of not appearing in court and as otherwise required will not increase. He has followed all terms and conditions ordered by Judge Leonard and has not engaged in any behavior that could be considered to jeopardize the safety of any other person or the community. Again, he continues to be tracked via electronic monitoring which is an obvious deterrent to committing harmful acts. Mr. Bumpus has been a model citizen during his three month period of release and the granting of a curfew will not affect the risk of non-appearance or danger to the community.

CONCLUSION

For the aforementioned reasons, Mr. Bumpus respectfully requests that the Court grant his Motion to modify his conditions of release to allow for a curfew after his work day ends, more specifically from 3 PM to 10 PM from Monday through Friday, and 7 PM to 10 PM on Saturday and Sunday.

Respectfully Submitted,

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of January, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send electronic notification of such filing (NEF) to all counsel of record. Further, I hereby certify that on that same date I will send the same document to the following non-filing user:

Mr. Brett Riley
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/s/
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